

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DERRELL FULTON)	
)	
Plaintiff,)	Case No. 17-cv-8696
)	
v.)	Judge Martha M. Pacold
)	
CITY OF CHICAGO, et al.)	
)	
Defendants.)	

**RESPONDENTS' MOTION FOR LEAVE TO FILE A SUR-REPLY IN SUPPORT OF
THE MOTION TO QUASH SUBPOENA FOR THE DEPOSITION OF ERIC SUSSMAN**

Third Party Respondent Cook County State's Attorney's Office, by its attorney, Kimberly M. Foxx, State's Attorney of Cook County, through her assistant Jessica M. Scheller, and Third Party Subpoena Respondent Eric Sussman, by his attorney, Kimberly M. Foxx, State's Attorney of Cook County, through her assistant Lyle K. Henretty, brings this motion for leave to file a Sur-Reply in Support of the motion to quash the subpoena for his deposition in the above-referenced case. In support, the Respondents state at follows:

1. On October 9, 2020, the Respondents filed their Motion to Quash the Subpoena for the Deposition of Eric Sussman. (Docket No. 238). Defendants filed their Response on October 16, 2020. (Docket No. 241). Respondents filed their Reply on October 29, 2020. (Docket No. 247).
2. On November 3, 2020, Defendants sought leave to file a Sur-Reply. (Docket No. 251). The Court granted the motion, and also ordered the Respondents to provide an affidavit in support of the underlying motion by November 9, 2020. (Docket No. 253). The affidavit was filed on November 9, 2020, and the Sur-Reply was filed on November 13, 2020. (Docket Nos. 262 and 266).

3. The Respondents contend that the Sur-Reply was unnecessary and inappropriate, as the Reply only addressed issues raised in the underlying motion and the Response. The Sur-Reply has further muddied the waters, specifically with respect to Chief Judge Pallmeyer's Order in the *Brown v. City of Chicago* matter (18 C 7064).
4. The Respondents, who brought the underlying motion, request the last word in an attempt to combat and clarify the issues raised in the Defendants' most recent filing. As such, Respondents request leave to file a further Sur-Reply in support of their Motion to Quash, not to exceed five pages, by November 20, 2020.

WHEREFORE, Respondents pray this Court enters an Order granting them leave to file a Sur-Reply in Support of its Motion to Quash on or before November 20, 2020.

Date: November 16, 2020

Respectfully submitted,

KIMBERLY M. FOXX
State's Attorney of Cook County

By: /s/ Jessica M. Scheller
Jessica M. Scheller
Assistant State's Attorney
Civil Actions Bureau
500 Richard J. Daley Center Place, 5th Floor
Chicago, IL 60602
(312) 603-6934
Jessica.Scheller@cookcountyl.gov

For Respondent CCSAO

By: /s/ Lyle K. Henretty
Lyle K. Henretty
Assistant State's Attorney
Conflicts Counsel Unit
50 West Washington, Suite 2760

Chicago, IL 60602
(312) 603-1424
Lyle.Henretty@cookcountyil.gov

For Respondent Eric Sussman

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2020, I electronically filed the foregoing document with the Clerk of the Court for Northern District of Illinois, using the electronic case filing system of the Court. The electronic case filing system sent a “Notice of E-Filing” to the attorneys of record in this case.

/s/ Lyle K. Henretty